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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/825,575	04/15/2004	Tomi Heinonen	037145-1501	8670
30542	7590	05/29/2007		
FOLEY & LARDNER LLP P.O. BOX 80278 SAN DIEGO, CA 92138-0278			EXAMINER RAJAN, KAI	
			ART UNIT 3736	PAPER NUMBER
			MAIL DATE 05/29/2007	DELIVERY MODE PAPER

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

<b>Office Action Summary</b>	Application No. 10/825,575	Applicant(s) HEINONEN ET AL.	
	Examiner Kai Rajan	Art Unit 3736	

**-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --**

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 25 April 2007.
- 2a) ☐ This action is **FINAL**.                      2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1 - 41 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1 - 41 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All    b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- |  |   |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)                                | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)                       | 5) <input type="checkbox"/> Notice of Informal Patent Application                       |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)<br>Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____  |

## DETAILED ACTION

Examiner acknowledges the amendment filed April 25, 2007.

### *Claim Rejections - 35 USC § 102*

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

**Claims 1 – 41 are rejected under 35 U.S.C. 102(e) as being anticipated by Mazar et al. U.S. Patent No. 7,009,511.**

1. A method, comprising:

receiving at a mobile wireless event handling device, a first signal via a first network, from a monitor adapted to convey information relating to physiological parameters (Column 4 lines 22 – 32, column 15 lines 22 – 45, figure 5 items 606 and 608), the first signal comprising at least a general broadcast emergency signal and including information corresponding to the physiological parameters (Column 3 lines 55 – 58, column 5 line 66 – column 6 line 14, column 7 line 49 – column 8 line 14) and an identification of the monitor (Column 10 lines 6 – 10); and

transmitting from the mobile wireless event handling device, a second signal via a second network (Column 15 line 46 – column 16 line 3, figure 5 item 612), the second signal including at least information corresponding to the identification of the monitor (Column 10 lines 6 – 10).

Independent claims 12, 24, 33, and 39 are rejected on substantially the same basis as claim 1. See previous office action for rejections to dependent claims.

### ***Response to Arguments***

Applicant's arguments filed April 25, 2007 have been fully considered but they are not persuasive. Applicant argues that Mazar et al. fails to teach a monitoring device that broadcasts a general emergency signal. The Examiner respectfully disagrees.

Mazar et al. teaches a physiological monitor (medical device 102, 104, or 106) that can transmit directly to peripheral devices such as cell phones (remote peripheral device 109). These transmissions notify caregivers of the patient's health (Column 3 lines 55 – 58, column 5 line 66 – column 6 line 14, column 7 line 49 – column 8 line 14). The advantages of the Applicant's invention such as cost and size are irrelevant as to whether the applied prior art satisfies the claim limitations. The transmissions sent from the medical device of Mazar et al. to peripheral devices or directly to the communication system 110 comprise a "general broadcast emergency signal," therefore the claim limitations have been met. Furthermore, Applicant has not provided a specific definition for "general broadcast signal." The broadest reasonable interpretation of the phrase "general broadcast signal" is such that the prior art is sufficient to reject the limitation.

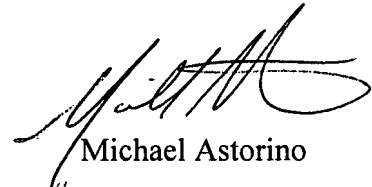
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***Conclusion***

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Kai Rajan whose telephone number is 571-272-3077. The examiner can normally be reached on M-F 9:00AM to 4:00PM.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

KR  
May 23, 2007



Michael Astorino